

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DEREK YORK, ¹	§
	§
Petitioner Below-	§ No. 511, 2010
Appellant,	§
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
VANESSA YORK,	§ in and for New Castle County
	§ File No. CN09-05514
Respondent Below-	§ Petition No. 09-34664
Appellee.	§

Submitted: May 2, 2011
Decided: May 24, 2011

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 24th day of May 2011, it appears to the Court that:

(1) Appellant, Derek York (Husband), filed this appeal from a Family Court decision, dated July 13, 2010, granting a petition for interim alimony filed by appellee, Vanessa York (“Wife”). On April 11, 2011, the Clerk of the Court issued a notice to Husband to show cause why the appeal should not be dismissed for his failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order.²

¹ The Court assigned pseudonyms to the parties pursuant to Supreme Court Rule 7(d).

² *Husband v. Wife*, 367 A.2d 636 (Del. 1976) (interim alimony order is an interlocutory order for appeal purposes).

(2) Husband filed a response to the notice to show cause on May 2, 2011. Husband appears to concede that the Family Court's ruling is interlocutory but contends that the order should be appealable because it involves a substantial question and establishes a legal right. Husband does not address his failure to comply with Rule 42, however.

(3) Absent compliance with Supreme Court Rule 42, the appellate jurisdiction of this Court is limited to the review of final trial court orders.³ The Family Court's order dated July 13, 2010 is not a final order because it awarded Wife alimony on an interim basis pending the outcome of the parties' divorce petition. Husband may appeal the July 13, 2010 order once the Family Court issues a final order in the case.

NOW, THEREFORE, IT IS ORDERED that the within appeal is DISMISSED without prejudice to Husband's right to appeal from the July 13, 2010 order once the Family Court enters a final order in the divorce action. The filing fee paid by Husband in this action may be applied to any future appeal.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

³ *Julian v. State*, 440 A.2d 990, 991 (Del. 1982).